

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**MATTHEW PALLONE,**

Petitioner,

v.

**UNITED STATES OF AMERICA,**

Respondent.

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Civil Action No. **3:08-CV-1436-L**

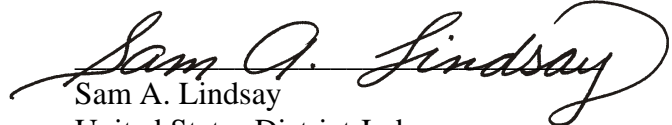
**ORDER**

Before the court is Pallone's Petition for Writ of Habeas Corpus, filed April 12, 2006, in the United States District Court for the District of Columbia. The petition was subsequently transferred to the United States District Court for the Northern District of Texas and, pursuant to Special Order 3-251, referred to United States Magistrate Judge Wm. F. Sanderson, Jr. On October 14, 2008, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") was filed. No objections to the Report have been filed.

This is a habeas petition filed pursuant to 28 U.S.C. § 2255. Petitioner argues that because The United States District Court for the Northern District of Texas is not an Article III court, it lacked subject matter jurisdiction to adjudicate the violations for which he was indicted. The magistrate judge found that Petitioner's arguments are patently frivolous and recommends that the petition be dismissed. Having reviewed the petition, file, record, and the Report in this case, the court determines that the findings and conclusions are correct. The United States Constitution and the applicable statutes clearly establish that this court's existence and jurisdiction were created by Article III of the United States Constitution. Accordingly, the magistrate judge's findings and

conclusions are **accepted** as those of the court, and the court **dismisses with prejudice** the writ of habeas corpus.

**It is so ordered** this 19th day of November, 2008.

  
Sam A. Lindsay  
United States District Judge